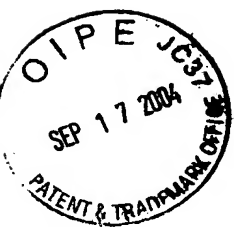


CERTIFICATE OF MAILING



I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to "MS MISSING PARTS, Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450" on

September 14, 2004.

  
Curtis L. Schrandt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : SIMMONS, Paul; ZANNETTINO, Andrew; and  
GRONTHOS, Stan  
APPLICATION NO. : 10/813,747  
DATE FILED : 03/29/2004  
FOR : MESENCHYMAL PRECURSOR CELL

-----  
MS MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

S I R:

In response to a Notice to File Missing Parts in a Nonprovisional Application, mailed June 18, 2004, please find enclosed herewith formal Declaration and Power of Attorney forms, duly executed by the inventors in the above-identified application. A copy of the Notice to File Missing Parts in a Nonprovisional Application is also included herewith.

A check in the amount of Sixty-Five Dollars (\$65.00) in payment of the surcharge for late filing of the Declaration by a small entity is enclosed. Small entity status continues to apply.

Also enclosed herewith are a Preliminary Amendment, a paper copy of a Sequence

10/813,747  
A20-033CIP

Listing under 37 C.F.R. § 1.821(c), and a copy of said Sequence Listing in computer readable form in accordance with the requirements of 37 C.F.R. § 1.821(e).

STATEMENT UNDER 37 C.F.R. § 1.821(f): The enclosed sequence listing information recorded on diskette in computer readable form is identical to the written sequence listing. No new matter has been added.

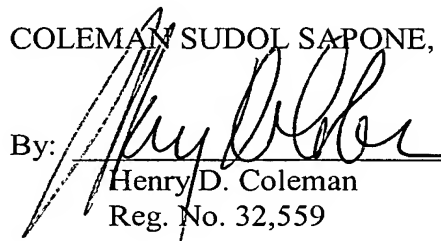
Further enclosed is a certified copy of Australian Patent Application Number 2003901668, filed March 28, 2003, the priority of which has been claimed under 35 U.S.C. § 119 in the above-identified application.

Please credit any overpayment or charge any additional fees due in connection with this communication to Deposit Account No. 04-0838. A copy of this Submission is enclosed herewith for deposit account charging purposes.

Respectfully submitted,

COLEMAN SUDOL SAPONE, P.C.

By:



Henry D. Coleman  
Reg. No. 32,559

Dated: September 14, 2004

714 Colorado Avenue  
Bridgeport, CT 06605-1601  
(203) 366-3560


 OIPE  
 SEP 17 2004  
 UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

 JFW/8  
 Boosey

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/813,747	03/29/2004	Paul Simmons	A20-033CIP

CONFIRMATION NO. 7277

## FORMALITIES LETTER



\*OC000000012985861\*

 Henry D. Coleman  
 714 Colorado Avenue  
 Bridgeport, CT 06605-1601

Date Mailed: 06/18/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

RECEIVED

JUN 21 2004

09/20/2004 YPOLITE1 00000001 10813747

01 FC:2051

65.00 DP

COLEMAN SUODL SAPONE, P.C

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY